IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE B.PRAKASH RAO**

**WRIT PETITION NO : 19733 of 1996**

Between:

M/s. Ajay Ice Factory, Suraram (V),

Qutbullapur Mandal, Ranga Reddy District,

Rep.by its Proprietor K.V.Venkaterswara Rao.

**..... PETITIONER**

AND

1. Andhra PrAdesh State Electricity Board,

   Rep.by its Secretary, Vidyut Soudha, Hyderabad.

2. Chief Enginer, Electricity Metropolitan Zone,

   A.P.State Electricity Board, Mint Compound,

   Hyderabad.

3. Superintending Engineer, Assessments (Spl.)

   A.P.State Electricity Board, 4th Floor,

   New Building, Vidyut Soudha,

   Hyderabad.

4. Assistant Divisional Engineer, C.R.O.,

   A.P.State Electricity Board, Jeedimetla,

   Ranga Reddy District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Mandamus declaring condition 39 of the Terms and Conditions of supply notified by the 1st respondent Board is irrational, arbitrary and ultravires of its' powers and also set aside the order No.SE/A/Spl/Hyd/F.SBD.32/D No. 2675/94 at 20.9.94 of the 3rd respondent as confirmed by the 2nd respondent in Appeal 8/94-95, Secunderabad Circle, Hyderabad dated 26.08.1996 and pass such other appropriate orders in the interests of justice.

**Counsel for the Petitioner: MR.B.ADINARAYANA RAO**

**Counsel for the Respondents : SMT. M. VINOBHA DEVI, (SC FOR APTRANSCO)**

**The Court made the following :**

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**ORDER;**

Heard the learned Counsel for the petitioner and also the learned Standing Counsel appearing on behalf of the respondents.

The petitioner herein, who is running M/s. Ajay Ice Factory, files this writ petition, *inter alia* seeking to assail the impugned order of the 3rd respondent herein dated 20.09.1994, as confirmed in the appeal by the 2nd respondent herein dated 26.08.1996 as illegal.

The case of the petitioner, in brief, is that during the inspection made on 05.10.1993, some irregularities have been found and the petitioner's power supply was disconnected. Thereafter, on 16.10.1993, an initial assessment was made followed by a show cause notice dated 17.11.1993, for which the petitioner has filed a comprehensive explanation dated 12.01.1994. Considering the same, final assessment has been made on 20.09.1994 by the 3rd respondent, against which the petitioner has filed an appeal and the 2nd respondent herein reduced the amount to some extent. Hence the writ petition.

The learned Counsel appearing for the petitioner raised several contentions.

Having heard the submissions made on either side, and also on perusal of the record, it is seen that the inspection was made as long as back in the year 1993 and

during the pendency of these proceedings, the petitioner has already paid Rs.3,30,300/-. In view of long lapse of time, it cannot be said that the assessment as made, is quite reasonable.

Accordingly, the Writ Petition is partly allowed, confirming the orders of both the authorities, however, the amount of Rs.5,19,520/- is reduced to Rs.3,30,300/-. No costs.

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25th November, 2004

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That Rule Nisi has been made absolute as above.

Witness Hon'ble Sri Devinder Gupta, the Chief Justice, on this

Thursday, the Twenty Fifth Day of November, Two Thousand and Four.

Copy to:

1. The Secretary, A.P.S.E.B.,

   Vidyut Soudha, Hyderabad.

2. The Chief Engineer, Electricity Metropolitan Zone,

   A.P.State Electricity Board,

   Mint Compound, Hyderabad.

3. The Superintending Engineer,

   Assessments (Spl.),

   A.P.State Electricity Board, 4th Floor,

   New Buildings, Vidyut Soudha, Hyderabad.

4. The Assistant Divisional Engineer, C.R.O.,

   A.P.State Electricity Board, Jeedimetla,

   Ranga Reddy District.

5. Two C.D.copies.